

REMARKS

Reconsideration of the application is requested.

Claims 2-9, 11, 12, 18-26, and 30-35 are now in the application. Claims 26 and 30-35 are subject to examination, and claims 2-9, 11, 12 and 18-25 have been withdrawn from examination. Claim 26 has been amended. Claim 35 has been added. Claim 10 has been canceled to facilitate prosecution of the instant application.

Under the heading "Claim Rejections – 35 USC § 101" on page 2 of the above-identified Office Action, claims 26 and 30-34 have been rejected under 35 U.S.C. § 101.

Applicant believes that the method defined by claim 26 is sufficiently tied to a machine, namely a telecommunications network. Claim 26 has been amended to even more closely tie the method to a telecommunications network.

One step of claim 26 has been amended to recite, "based on information not obtained from a telephonic number, selecting a particular one of a plurality of vendors and routing the telephone call through the telecommunications network to the particular one of the plurality of vendors". Support for the change related to: "routing the telephone call through the telecommunications network", can be found by referring to the other steps in claim 26, to paragraph 123, and to Fig. 24, for example, which shows the telecommunications network.

Support for the change related to: “based on information not obtained from a telephonic number, selecting a particular one of a plurality of vendors”, can be found by referring to paragraphs 127 and 128. These paragraphs list the factors that are used to determine the bidding factor. These factors include a bid that is made to the provider of the phone number, a geographical limiter, the availability of the vendor in a category database, a financial range, and a keyword. It should be clear that none of these factors are obtained from a telephonic number.

Four out of the five steps of claim 26 are now tied to a telecommunications network. Claim 26 now reads:

A method for tracking an effectiveness of an advertisement and for routing a telephone call placed in response to the advertisement, the method including:

placing an advertisement for a product or service on an advertisement medium, the advertisement including a telephonic number for contacting a vendor in order to obtain the product or service and the advertisement including an identification code for indicating an effectiveness of the advertisement;

enabling a potential customer to place a telephone call by entering the

telephonic number into a telecommunications network;

based on information not obtained from a telephonic number, selecting a particular one of a plurality of vendors and routing the telephone call through the telecommunications network to the particular one of the plurality of vendors; and

obtaining the identification code from the telecommunications network and using the identification code to update a database, which is accessible by the particular one of the plurality of vendors, in order to obtain performance information indicating the effectiveness of the advertisement.

The dependent claims are also tied to the telecommunications network. Applicant believes that the method defined by the claims define statutory subject matter under 35 U.S.C. § 101.

Under the heading "Claim Rejections – 35 USC § 112" on page 3 of the above-identified Office Action, claim 33 has been rejected as failing to comply with the written description requirement under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses.

With regard to claim 33, the Examiner alleges that the specification does not teach performing the step of selecting the particular one of the plurality of

vendors based on a financial range provided by the potential customer.

Paragraph 127 teaches, “selecting one of said at least one vendor to produce the particular vendor of choice, wherein said particular vendor is selected based on a bidding factor, and wherein the bidding factor comprises a bid made to a provider of said phone number”.

Paragraph 128 then teaches, “where the bidding factor further comprises a financial range provided by the customer”. Paragraph 127 teaches that the customer is placing a telephone call to be routed to a vendor.

Paragraph 127 teaches that one of a plurality of vendors is selected based on a bidding factor, and paragraph 128 teaches that the bidding factor includes a financial range provided by the customer.

Contrary to the allegation of the Examiner, applicant believes that the portions of the application, which have been referenced above, clearly teach performing the step of selecting the particular one of the plurality of vendors based on a financial range provided by the potential customer.

Under the heading “Claim Rejections – 35 USC § 112” on page 3 of the above-identified Office Action, claims 26 and 32 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

The Examiner stated it is unclear what applicant is referring to by the following limitation, “and enabling the potential customer to cause the identification code to be entered into the telecommunications network”.

The limitation has been deleted from claim 26. The pertinent limitation in claim 26 now reads, “enabling a potential customer to place a telephone call by entering the telephonic number into a telecommunications network”.

The Examiner has not indicated what is considered to be indefinite in claim 32. Applicant believes the claim clearly defines the intended limitation.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading “Claim Rejections – 35 USC § 102” on page 4 of the above-identified Office Action, claims 26, 30, 33, and 34 have been rejected as being fully anticipated by U.S. Patent No. 6,097,792 to Thornton under 35 U.S.C. § 102.

Support for the changes to claim 26 has been discussed above with regard to the rejection under 35 USC § 102. Applicant points out that claim 26 defines a

method for tracking an effectiveness of an advertisement and for routing a telephone call placed in response to the advertisement. The method includes a step of:

based on information not obtained from a telephonic number, selecting a particular one of a plurality of vendors and routing the telephone call to the particular one of the plurality of vendors.

Thornton teaches that each subscriber (vendor) is assigned one or more incoming access telephone numbers that are supported by the IVR system 10 (See column 8, lines 8-11). A plurality of ID extension numbers are associated with each phone number that is assigned to a particular subscriber (See column 8, lines 11-13). Each ID extension number corresponds to a mailbox message about a particular home or a particular automobile (See column 8, lines 13-17).

Applicant notes that the teaching in column 8, lines 36-64, which has been cited by the Examiner in rejecting claim 26, does not relate to routing a telephone call to one of a plurality of subscribers (vendors). The telephone call is always routed to the IVR system 10 and when the caller enters in a particular ID extension number, the IVR system 10 connects the caller to a mailbox that contains a recorded message that is identified by the ID extension number. There is nothing in the material in column 8, lines 36-64 that relates to routing the caller to a subscriber (vendor).

Applicant recognizes that column 10, line 63 through column 11, line 2 does teach that the call can be rerouted a car dealer; however that car dealer is always selected based on the incoming access telephone number that the caller dialed or entered to make the actual telephone call (See column 8, lines 8-11). In contrast, claim 26 specifies that the vendor, to which the call is routed, is selected based on information that is not obtained from a telephonic number.

Thornton also teaches that when a business has multiple locations or stores, the call can be routed to the branch closest to the calling area of the customer that made the call (See column 15, lines 30-36). The routing is performed based on the area code of the telephone number of phone that the customer used to place the telephone call. In contrast, claim 26 specifies that the vendor, to which the call is routed, is selected based on information that is not obtained from a telephonic number.

Thornton also teaches that the call could be routed to a branch of a real estate office that is closest to the caller's home by utilizing the already captured ANI and reverse match address information (See column 15, lines 13-20). In this case, the routing is performed based on the telephone number of phone that the customer used to place the telephone call. The telephone number of phone, which the customer used to place the telephone call, is obtained, and then this telephone number is used to search the entries of a database to find

the corresponding address or location of the telephone. The database contains the name and address of the customer that is associated with the telephone number. The call is routed to a branch in dependence on the address that is found in the database and that is associated with the telephone number. Thus, the routing of the call is based on the telephone number of the telephone that was used to place the call since that telephone number is entered into a database to find the address listing that corresponds to the telephone number. In contrast, claim 26 specifies that the vendor, to which the call is routed, is selected based on information other than a telephonic number.

Claim 35 has been added to even further elaborate on this point. Withdrawn claim 10 has been canceled so that a fee is not required for adding claim 35. Support for claim 35 can be found by referring to paragraphs 127 and 128, which list the information used to obtain the bidding factor.

Claim 35 reads, "performing the step of selecting the particular one of the plurality of vendors and routing the telephone call to the particular one of the plurality of vendors based on the identification code that is included in the advertisement".

As has been discussed above, Thornton teaches routing a call based on the telephone number that the customer dialed to access the IVR system 10 or on the location of the telephone that was used to place a telephone call to the IVR

system 10. Thornton does not teach routing the telephone call based on an identification code that is included in the advertisement.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claims 31 and 32 have been rejected as being obvious over U.S. Patent No. 6,097,792 to Thornton under 35 U.S.C. § 103.

Applicant believes the invention as defined by claims 31 and 32 would not have been obvious for the reasons given above with regard to claim 26 and the teaching in Thornton.

Additionally, as has also already been discussed above, Thornton teaches routing a call based on the telephone number that the customer dialed to access the IVR system 10 or on the location of the telephone that was used to place a telephone call to the IVR system 10. In contrast to claims 31 and 32, Thornton does not teach routing the telephone call based at least partly on a geographic limitation specified by the identification code that is included in the advertisement.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 26. Claim 26 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 26.

In view of the foregoing, reconsideration and allowance of claims 2-9, 11, 12, 18-26, and 30-35 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$65.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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